



ZONING ADMINISTRATOR NOTICE OF DECISION

Date: February 17, 2011
Applicant: Education Significativa dba United States University
Case No.: PCC-10-074
Address: 830 Bay Blvd
Project Planner: Michael W. Walker

Notice is hereby given that on February 17, 2011 the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-10-074, by Education Significativa dba United States University ("Applicant"). The Applicant requests a CUP to establish a college/university in an existing building ("Project"). The Project is located at 830 Bay Blvd. ("Project Site") and is owned by Marina Gateway, LLC C/o Carleton Management Company ("Property Owner"). The Project Site is zoned General Industrial (IG) by the Chula Vista Municipal Code (CVMC), and is designated General Industrial (IG) by the General Plan. The Project is more specifically described as follows:

United States University (USU) is an institution accredited by the Western Association of Schools and Colleges (WASC), California Commission on Teacher Credentialing (CCTC) and the Board of Registered Nursing. USU is a small college that offers bachelor and master degree programs in healthcare and education with emphasis on bilingual/bicultural working adults. USU will be relocating from its current location in National City into an existing 30,000 square foot building. The building's footprint will be used as follows: 20,536 square feet of classroom; 9,231 square feet of administrative offices; and 279 square feet of building utility. Approximately 25-30 staff and faculty will administer the business operations from 8:00 a.m. to 6:00 p.m. Students will attend classes in three shifts Monday through Saturday from 8:00 – 11:00 a.m., 3:00 – 6:00 p.m. and 6:30 – 9:30 p.m. Each shift will have up to, but no more than 220 students.

The Project is located within the Bayfront Specific Plan area in the General Industrial zone, and within the Coastal Zone. Pursuant to CVMC Section 19.83.006(e), the Project is not considered a new development because it will occupy and operate in an existing building located on a fully developed and improved site. Furthermore, the operation of the project does not constitute and increase in land use intensity, therefore a Coastal Development Permit is not required. Pursuant to CVMC 19.84.003(2)(b)(6), the Project is classified under Educational Services Commercial activities, which includes colleges and universities, and therefore permitted subject to approval of a conditional use permit by the Zoning Administrator.

The Project has been reviewed for compliance with the California Environmental Quality Act (CEQA) and it has been determined that the Project qualifies for a Class 1 categorical exemption pursuant to Section 15301 (Existing facilities) of the State CEQA Guidelines. Thus no further environmental review is necessary.

The Zoning Administrator, under the provisions of Sections 19.14.030(A), 19.83.006 and 19.84.003(2)(b)(6) of the Chula Vista Municipal Code, has conditionally approved said request based upon the following findings of facts as required by CVMC Section 19.14.080:

1. **That the proposed use at this location is necessary or desirable and will contribute to the general well being of the neighborhood or the community.**

The proposed United States University is a desirable use at the proposed location at 830 Bay Boulevard. The use will attract a diversity of adult students who live and/or work in Chula Vista and the surrounding communities, and will provide working adults an alternative to obtain a college degree from an accredited institution of higher learning in Chula Vista. The use is within the context of a variety of commercial and light industrial uses as well as in proximity to another similar university therefore the use would not adversely affect the general well being of the neighborhood or the community.

2. **That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The use will be subject to meeting all health, safety and general welfare standards and regulations set forth by the City of Chula Vista. The proposed use consists of the establishment of a college/university on a fully developed site in a building, previously approved, that has already been evaluated for noise, traffic, etc., for future tenants. The work required prior to occupancy is a tenant improvement. A Traffic study was performed by RCE Traffic and Transportation Engineering for the Project and submitted to the City Traffic Engineer in January of 2011. Traffic Engineering concluded no impacts in study area created by the proposed use, and pursuant to CVMC Section 19.62.050(29), the number of off-street parking spaces required is 103 based on the total number of students, faculty and staff. There are 146 spaces available on-site, which is sufficient parking for the use.

3. **That the proposed use will comply with the regulations and conditions specified in the code for such use.**

The approval of this conditional use permit is contingent on the Applicant and Property Owner's commitment to satisfy all conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code. The Applicant has committed to implement and satisfy all conditions of approval for the proposed use, and will comply with all applicable City zoning regulations. The conditions of this permit are approximately in proportion to the nature and extent of the impact created by the use in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the use.

4. That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.

The General Plan land use designation is General Industrial (IG). The Project is located within the Bayfront Specific Plan area in the General Industrial, and within the Coastal Zone. Pursuant to CVMC Section 19.83.006(e), the Project is not considered a new development because it is a tenant improvement and will occupy and operate in an existing building therefore a Coastal Development Permit is not required. Pursuant to CVMC 19.84.003(2)(b)(6), the Project is classified under Educational Services Commercial activities, which includes colleges and universities with a conditional use permit.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-10-074, as described above subject to the following conditions of approval:

- I. Prior to the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:

1. The Applicant/Representative and Property Owner shall execute this document by making a true copy and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner/representative

Date

Planning Division Conditions:

2. The Applicant shall submit an application for a sign permit for any proposed signs located on the site. Said signs shall comply with CVMC Chapter 19.60, Sign Code.

Building Division Conditions:

3. The Applicant shall comply with the 2007 California Building Code (CBC), California Mechanical Code (CMC), California Plumbing Code (CPC), California Electrical Code (CEC), California Fire Code (CFC) and the 2008 California Energy Code, as adopted and amended by the State of California and the City of Chula Vista, and the Green Building

Ordinance (CVMC 15.12) and all other locally adopted City and state requirements

Engineering Divisions:

4. If it is determined that there are any damaged curb, gutter, and sidewalk along the frontage of the property, the Applicant shall be required to obtain a construction permit and replace the damaged facilities
5. The proposed project is changing the use of the existing facility from an office/industrial building to a school/university. Based on the difference of the land use, the Applicant shall pay adjusted engineering fees if applicable.
6. The Applicant shall obtain an encroachment permit for private improvements located in street right of way, city easements or City owned Open Space Lots.
7. The Applicant shall provide a sight distance analysis to the Engineering Division for review prior to approval of the permit for the construction of the proposed sign, along Bay Boulevard.

II. Prior to final inspection or occupancy

Fire Department Conditions:

8. The building shall be provided with two Knox appliances.
 - Provide a Knox Vault at the main entrance to the building
 - Provide a Knox Box at the Fire Control Room
9. The building shall be addressed in accordance with the following criteria:
 - 0 – 50ft from the building to the face of the curb = 6-inches in height with a 1-inch stroke
 - 51 – 150ft from the building to the face of the curb = 10-inches in height with a 1 ½ -inch stroke
 - 151ft from the building to the face of the curb = 16-inches in height with a 2-inch stroke
10. The Applicant shall submit a deferred submittal to the Fire Department for approval prior to any modifications, if applicable, to the sprinkler system or fire alarm system.
11. The Applicant shall post the occupant load in each area prior to occupancy of the building.
12. The Applicant shall provide one (1) serviced fire extinguisher. The minimum size of the fire extinguisher shall be 2:A-10:B:C. The maximum travel distance to a fire extinguisher is 75 ft.
13. The Applicant shall provide evidence of an emergency means of egress illumination in

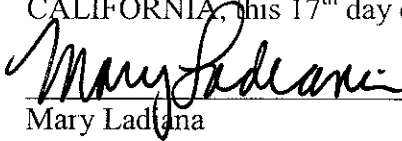
accordance with California Fire Code Chapter 10, Section 1006 on the building permit, and provide a photometric drawing indicating emergency means of egress illumination levels in accordance with the CFC requirements of Section 1006.

III. The following on-going conditions shall apply to the subject property as long as it relies upon this approval.

14. The site shall be operated and maintained in accordance with the PCC-10-074 approved plans, date stamped on February 17, 2011, which include a site plan, floor plan and photographs on file in the Planning Division, the conditions contained herein, and Title 19.
15. The hours of operation for the United States University shall be Monday through Saturday from 8:00 a.m. to 9:30 p.m. classes will held in three shifts. The maximum number of student capacity per shift shall not exceed 220 students on site at any one time.
16. No outside activities shall take place on the property unless a special event permit is approved by the Planning Division.
17. Approval of this request shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this conditional use permit.
18. The Applicant shall execute this Conditional Use Permit for the Project as described and approved in this document. Any new or change in use or modification/expansion of uses shall be subject to the review and approval of the Zoning Administrator.
19. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated below.
20. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
21. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
22. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so

implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 17th day of February 2011.

A handwritten signature in black ink, appearing to read "Mary Ladana", is written over a horizontal line.

Mary Ladana
Zoning Administrator